

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

VRETONZA JAMZA SKELTON  
Petitioner,

v.

SHERIFF NORMAN LEWIS  
Respondent.

] No. 3:10-0281  
] JUDGE HAYNES

**ORDER**

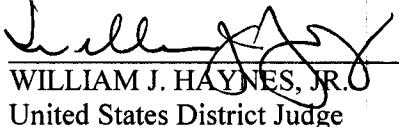
Petitioner filed this action under 28 U.S.C. § 2254, for writ of habeas corpus to challenge his confinement beyond the expiration of his sentence. Under 28 U.S.C. § 2254 the validity of a conviction can be challenged, but Petitioner's challenge is to the manner in which a sentence is executed.

Given the liberal construction accorded *pro se* pleadings, this Court concludes this action falls under 28 U.S.C. § 2241 that requires exhaustion of all available state remedies. Hamm v. Saffle, 300 F.3d 1213, 1216 (6<sup>th</sup> Cir. 2002). The burden of showing compliance with the exhaustion requirement rests with the Petitioner. Darr v. Burford, 339 U.S. 200, 218-219 (1950); Rust v. Zent, 17 F.3d 155, 160 (6th Cir.1994).

Here, the Petitioner has admittedly failed to challenge his continued confinement in the state courts and absent exhaustion, the court must dismiss the petition. Rose v. Lundy, 455 U.S. 509, 522 (1982). Therefore, this action is hereby **DISMISSED** without prejudice for Petitioner's failure to exhaust state remedies. Rule 4(a), Rules — § 2254 Cases. The Court **DECLINES** to issue a certificate of appealability, 28 U.S.C. § 2253(c).

It is so **ORDERED**.

ENTERED this the 6 <sup>✓</sup> day of April, 2010.

  
WILLIAM J. HAYNES, JR.  
United States District Judge